

Monday, November 08, 2004

Annette Sandberg
Administrator
Federal Motor Carrier Safety Administration

FMCSA 04-19608-47

304243

Fax: 2023663224

RE: Drivers' Hours of Service

Dear Administrator Sandberg;

I am writing to urge the FMCSA to refrain from issuing an Interim Final Rule (IFR) to address the concerns raised in the United States Court of Appeals decision of July 16, 2004, which vacated the agency's drivers' hours of service (HOS) rules in their entirety. Instead, the goal of reducing fatigue-related commercial motor vehicle (CMV) accidents can best be achieved by issuing a new Notice of Proposed Rulemaking (NPRM) regarding HOS and allowing all stakeholders the opportunity to prepare and submit valuable comments to facilitate a fair and balanced rulemaking process.

Changes made to the HOS rules in an IFR without proper input from affected parties could produce additional consequences unforeseen by the agency and result in further litigation. The new HOS regulations that FMCSA is working to promulgate are simply too important to the entire transportation and construction community to be rushed into existence without proper public participation and agency deliberation. My company needs to have the opportunity to assess the impact of any new regulation, especially a major one like HOS, on its operations.

I would also like to point out the ready mixed concrete industry's concerns with the HOS rules that went into affect on January 4, 2004. Our drivers conduct short-haul operations, generally staying within a 100-air mile radius of their base plant and typically beginning and ending each shift at the same location. In the preamble to the HOS rules, FMCSA acknowledged that short-haul operations like ours would see few, if any, safety benefits while bearing a substantial cost burden. This has proven to be true, as the successive structure of our drivers' on-duty periods has hampered the scheduling flexibility that we need to operate efficiently while yielding few safety gains. A new rulemaking process would give the agency an opportunity to remedy this by crafting separate rule provisions for long- and short-haul drivers since they operate in fundamentally different environments.

I again respectfully encourage FMCSA to provide an adequate notice and comment period in order to obtain thoughtful comments from all of the parties that will be affected by the new HOS rules. Thank you for your consideration.

Sincerely,

Mr. Charles Rigsby
Safety Manager
Moraine Materials
1400 Commerce Center Drive
Franklin Oh 45005
Email: drigsby@mormat.com

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Fax: 2023663224

RE: Drivers' Hours of Service

Dear Administrator Sandberg;

Ms. Annette M. Sandberg
Administrator
Federal Motor Carrier Safety Administration
400 7th Street, S.W.
Washington, D.C. 20590

Dear Ms. Sandberg:

I am writing to urge the FMCSA to refrain from issuing an Interim Final Rule (IFR) on the hours of service (HOS) rule to address recent court decisions. Instead, Holcim believes that FMCSA should issue a new Notice of Proposed Rulemaking (NPRM) regarding HOS that would allow a fair and balanced rulemaking process to proceed.

The HOS regulations are simply too important to the entire transportation and construction community to be rushed into existence without proper public participation and agency deliberation. Holcim needs to have the opportunity to assess the impact of any new regulation, especially a major one like HOS, on its operations, and the operations of our customers. Changes made to these rules without proper input from affected parties could produce unintended consequences and result in additional litigation.

Our customers in the ready mixed concrete industry conduct short haul operations, generally staying within a 100-air mile radius of their base plant and typically beginning and ending each shift at the same location. Even FMCSA acknowledged in the preamble to the January 2004 HOS rules that short-haul operations would see few, if any, safety benefits while bearing a substantial cost burden. A new rulemaking process would give the agency an opportunity to remedy this by crafting separate rule provisions for long- and short-haul drivers since they operate in fundamentally different environments.

Again, I would request that FMCSA not issue an IFR but instead, provide an adequate notice and comment period in order to obtain thoughtful comments from all of the parties that will be affected by the new HOS rules. Thank you for your consideration.

Sincerely,

Mr. Ken Poelman
Sales Group Manager
Holcim (US) Inc.
3235 Satellite Blvd.
Duluth GA 30096
Email: ken.poelman@holcim.com

Friday, November 05, 2004

Annette Sandberg
Administrator
Federal Motor Carrier Safety Administration

Fax: 2023663224

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Dear Administrator Sandberg;

I am writing to urge the FMCSA to refrain from issuing an Interim Final Rule (IFR) to address the concerns raised in the United States Court of Appeals decision of July 16, 2004, which vacated the agency's drivers' hours of service (HOS) rules in their entirety. Instead, the goal of reducing fatigue-related commercial motor vehicle (CMV) accidents can best be achieved by issuing a new Notice of Proposed Rulemaking (NPRM) regarding HOS and allowing all stakeholders the opportunity to prepare and submit valuable comments to facilitate a fair and balanced rulemaking process.

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I again respectfully encourage FMCSA to provide an adequate notice and comment period in order to obtain thoughtful comments from all of the parties that will be affected by the new HOS rules. Thank you for your consideration.

Sincerely,

Ken Herr
CIO
Holcim (US) inc
6211 Ann Arbor Road
Dundee MI 48131
Email: ken.herr@holcim.com

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I again respectfully encourage FMCSA to provide an adequate notice and comment period in order to obtain thoughtful comments from all of the parties that will be affected by the new HOS rules. Thank you for your consideration.

Sincerely,

Mr. Peter Easter
Executive Director
Virginia Ready-Mixed Concrete Association
630 Country Green Lane
Charlottesville VA 22902
Email: peter@easterassociates.com

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Again, I would request that FMCSA not issue an IFR but instead, provide an adequate notice and comment period in order to obtain thoughtful comments from all of the parties that will be affected by the new HOS rules. Thank you for your consideration.

Sincerely,

Mr. Randy Dunlap
Vice President - Marketing
Holcim (US) Inc.
1100 Victors Way
Suite 50
Ann Arbor MI 48108
Email: randy.dunlap@holcim.com

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I again respectfully encourage FMCSA to provide an adequate notice and comment period in order to obtain thoughtful comments from all of the parties that will be affected by the new HOS rules. Thank you for your consideration.

Sincerely,

Ms Janice Richards
Manager, Communications
Holcim (US)
201 Jones Road
Waltham MA 02451
Email: janice.richards@holcim.com